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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,773	01/22/2002	Gunter Schubert	VAW-7	4264
21890	7590	03/09/2005	EXAMINER	
PROSKAUER ROSE LLP			KOCH, GEORGE R	
PATENT DEPARTMENT			ART UNIT	
1585 BROADWAY			PAPER NUMBER	
NEW YORK, NY 10036-8299			1734	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,773

Applicant(s)

SCHUBERT ET AL.

Examiner

George R. Koch III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 5/18/2004, with respect to the rejection(s) of claim(s) 9-10 under Hishinuma or Meka (and the 103 rejections of claims 11-17 which cite Jurrius as a dependent reference) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hishinuma and Haug.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishinuma (US Patent 6,197,136 B1) in view of Haug (US 5,948,190)

Hishinuma discloses a method for setting a process for the manufacture of sealing seams, comprising the steps of providing heat to the sealing partners (for example, step 5 in claim 1), using a temperature measuring element (Figure 1, element 5, identified as a temperature sensor), measuring a temperature of an interface between the sealing partners at least during the step of providing heat to the sealing partners

(see step 7 in claim 1), and establishing a process based on the temperature (see step 8).

Hishinuma does not disclose measuring temperatures *after* the step of providing heat.

However, Haug discloses monitoring the temperature afterwards, i.e., during the cooling phase. Haug discloses that monitoring the temperature during the cooling phase ensures that the required strength is met (see column 3, lines 52-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have monitored the temperature after the step of providing heat in order to monitor and ensure proper bond strength.

As to claim 10, Hishinuma discloses that the time-temperature-pressure progression during heat input is set (see, for example, column 5, lines 25 to column 6, line 20, which discloses such an example) for a process for manufacturing a seam.

4. Claim 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishinuma and Haug as applied to claims 9 and 10 above, and further in view of Jurrius (US Patent 5,616,199).

Hishinuma as separately applied to claims 9 and 10 above, disclose setting time of a tightness check and/or mechanical loadability after heat input is set.

Jurrius discloses that it is known to set a cooling or curing time subsequent to the heat input in bonding operations, which is a period of time prior to using the items (see column 8, line 3-47). In the context of packaging, this would be the period of time prior

to loading. Jurrius discloses that this time period is necessary to ensure that the bonding location is properly congeals without "weak locations". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to set a time prior to loadability or use of the seams of Hishinuma or Meka by use of the cure or cool time of Jurrius in order to create proper bond seams.

As to the limitations of claims 12-17, Jurrius discloses a variety of temperature ranges (for example, the table on column 14) and the concept of variable times based on materials used (see column 9). Jurrius also discloses exceeding the melting temperature and the cooling temperatures, i.e., the solidification or recrystallization temperature. Jurrius also discloses a variety of example time and temperature examples (see columns 15-18) as well as monitoring or plotting the various temperature locations (see Figures 6-8 for examples of such plots). Furthermore, one in the art would immediately recognize that the integral of the time temperature progression is a measurement of the energy put into the sealing seam. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized evaluation of the integrals of various time temperature progressions and to have monitored the times certain temperatures are achieved in order to achieve proper control of the bonding process and to ensure proper bonding.

Conclusion

5. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 2/23/2004 prompted the new

ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230(TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III
Patent Examiner
Art Unit 1734

GRK
3/5/2005



CHRIS FIORILLA
SUPERVISORY PATENT EXAMINER

AU 1734